

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/25/10

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IVAN FONTANEZ,

Plaintiff,

-v.-

DORA SCHRIRO, Commissioner, et al.,

Defendants.  
-----x

**REPORT AND  
RECOMMENDATION  
TO THE HONORABLE  
PAUL A. CROTTY**

09 Civ. 9921 (PAC)(FM)

**FRANK MAAS**, United States Magistrate Judge.

In this action, the pro se plaintiff complains that he was improperly strip searched while at Rikers Island. The complaint was filed on December 3, 2009. A docket entry on March 23, 2010, states that the Rule 4 service package sent to the plaintiff at Rikers Island was returned as undeliverable. (See Docket No. 10). Since then the plaintiff has made no effort to contact the Pro Se Office or the Court.


In an effort to locate the plaintiff, my Chambers checked both the New York City Department of Correction and the New York State Department of Correctional Services on line prisoner locator services, (<http://a072-web.nyc.gov/inmatelookup/inmateLookup.do>; <http://nysdocslookup.docs.state.ny.us/kinqw00> ), with negative results. Accordingly, because the plaintiff has failed to provide his current address, there is no way for the Court to contact him.

In these circumstances, I recommend that this case be dismissed without prejudice. Out of an excess of caution, I am sending a copy of this Report and Recommendation to the plaintiff's last known address at Rikers Island.

Notice of Procedure for Filing of Objections to this Report and Recommendation

The plaintiff shall have ten days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a) and (e). Any such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Paul A. Crotty, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and to the chambers of the undersigned, at the United States Courthouse, 500 Pearl Street, New York, New York 10007. Any requests for an extension of time for filing objections must be directed to Judge Crotty. The failure to file timely objections will result in a waiver of those objections for purposes of appeal. See Thomas v. Arn, 474 U.S. 140 (1985); Fed. R. Civ. P. 6(a), 6(e), 72(b).

DATED: August 25, 2010  
New York, New York

  
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FRANK MAAS  
United States Magistrate Judge

Copies to:

Honorable Paul A. Crotty  
United States District Judge

Ivan Fontanez  
141-09-16342  
Eric M. Taylor Center  
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East Elmhurst, New York 11370